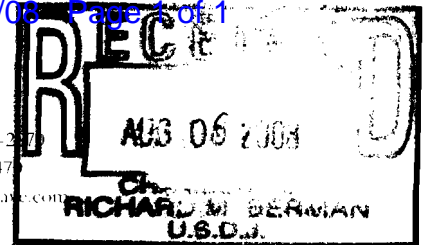




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August 5, 2008

VIA FEDEX

Honorable Richard M. Berman
 United States District Court
 Southern District of New York
 40 Centre Street, Courtroom 706
 New York, NY 10007

MEMO ENDORSED

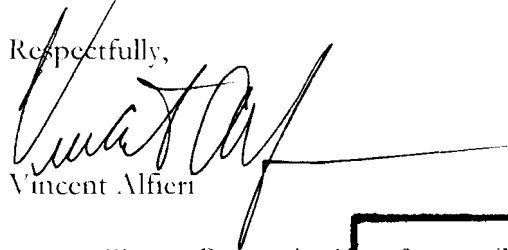
Re: Snyder v. Advest, Inc. et al.; 06-CV-1426 (RMB) (FM)

Dear Judge Berman:

This firm represents all defendants except AXA Financial, Inc. in the above referenced matter. On April 4, 2008, the Court issued an order referring this case to mediation which was conducted on July 16, 2008. We write on behalf of all parties to advise the Court that the mediation did not result in a settlement and the parties are prepared to proceed with the action.

Defendants' motion for summary judgment has been fully briefed and submitted to the Court for decision. In the event that summary judgment is not granted in full, the parties propose that a pre-trial conference be held on September 29, 2008, to discuss evidentiary and other issues in advance of the October 20, 2008 trial date.

Respectfully,


 Vincent Alfieri

cc: Tracey Bernstein, Esq. (by email)
 Steven D. Isser, Esq. (by email)
 James G. Murphy, Esq. (by email)

All parties are directed to appear
with principals at a settlement
conference on 9/3/08 at 9:00 a.m.

SO ORDERED:
 Date: 8/6/08


 Richard M. Berman, U.S.D.J.